

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL CAPODIECE AND TERRY
CAPODIECE,

No. C 13-00032 WHA

Plaintiffs,

v.

**ORDER RE MOTION TO
DISMISS AND MOTION
TO STRIKE**

WELLS FARGO BANK, NA SUCCESSOR BY
MERGER TO WELLS FARGO BANK
SOUTHWEST, NA f/k/a WACHOVIA
MORTGAGE FAB f/k/a WORLD SAVINGS
BANK FSB, and DOES 1-5,

Defendant.

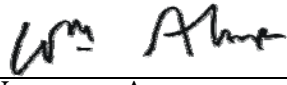
On January 10, 2013, defendant Wells Fargo Bank N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (“Wells Fargo”) (erroneously sued as “Wells Fargo Bank, National Association an FDIC insured corporation”) filed a motion to dismiss and a motion to strike portions of plaintiffs’ complaint. Pursuant to Local Rule 7-3, plaintiffs’ oppositions or statements of non-opposition to the motions were due on January 24. Plaintiffs have filed an opposition to the motion to dismiss but have failed to respond to the motion to strike.

On January 24, the action was reassigned to the undersigned judge. Defendant has renoticed its motions for hearing on April 11. Accordingly, the following briefing schedule is hereby set: Plaintiffs’ response to the motion to strike is due by **MARCH 8**. Defendant’s reply

1 briefs in support of its motions, if any, are due by **MARCH 15**. A hearing is scheduled for **APRIL**
2 **11** on both motions.

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4 **IT IS SO ORDERED.**

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6 Dated: March 4, 2013.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE